

Serial No. : 10/824,872  
Applicants : Frank Hochhaus, Jaro Kubik and Frank König  
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### **REMARKS**

The amendments and remarks presented herein are believed to be fully responsive to the recent Office Action. Enclosed is a petition to extend the response due date to September 9, 2005. Please charge the extension fee due to Deposit Account No. 22-0190. Reconsideration is requested.

### **Status of Claims.**

Claims 1, 4-8 and 10-21 are pending in the application. Claims 20 and 21 are indicated as being allowed. Claims 4-7, 10-13 and 16-19 are objected to as being dependent upon a rejected base claim, but are indicated as being allowable if rewritten in independent form, including the base claim and any intervening claims. Claims 1, 8 and 14 remain at issue.

### **Claim Rejection – 35 U.S.C. § 102.**

Claims 1, 8 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent 6,161,055 issued to Pryor. Claim 1 is amended herein as follows:

1. (Currently Amended) A device for automatically sensing the wear state of movable wheels or rollers in conveying systems, comprising:

a conveying system having movable wheels or rollers;

a measuring station through which ~~the~~each wheel or the roller runs, said measuring station arranged in a stationary fashion in the conveying path of the system, wherein diameter deviations of the wheel or of the roller from a predefined set point diameter can be sensed in a contactless fashion and signaled with said measuring station; and

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wherein said measuring station comprises two  
photoelectric beam emitters that emit two parallel photoelectric  
barriersbeams which are spaced apart from one another, said  
photoelectric ~~barriers~~ are beams being directed tangentially with  
respect to the circumference of the wheel or roller and are  
spaced apart corresponding to the smallest permissible diameter  
of the wheel or of the roller, wherein the wheel or the roller is  
guided through said photoelectric ~~barriers~~ beams in order to  
sense diameter deviations.

The undersigned wishes to express his gratitude to Examiner Ridley for the helpful and courteous interview that was granted to the undersigned and was held at the Examiner's office on August 24, 2005. At the interview, claim amendments were discussed to overcome Pryor. In particular, Pryor utilizes a camera and lens and an optional light box to measure tool wear. As such, Pryor does not disclose, teach or suggest the use of parallel photoelectric beams to measure deviations of a wheel or roller of a conveying system from a predefined set point diameter. Accordingly, it was agreed that the undersigned would amend the claims to positively recite the environment of a conveying system having moveable wheels or rollers. It was further agreed that the term "barriers" would be replaced with "emitters," or similar terminology, as required by the claim structure. Claim 1 is amended in this fashion and is submitted to be patentably distinguishable over the prior art including Pryor. Accordingly, withdrawal of the rejection is respectfully requested.

Although claims 4-7, 10-13 and 15-19 were indicated as being allowable if rewritten in independent form, Applicants elect to leave the claims in dependent form in view of the patentability of claim 1. Although claim 20 was indicated as being allowed, claim 20 is amended herein to replace the term "barriers". It is believed that the amendment enhances the clarity of claim 20 and does not in any manner further narrow the claim.

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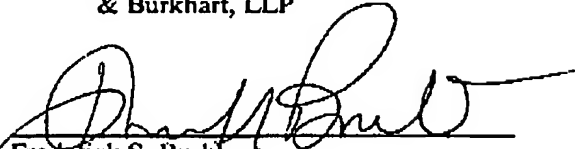
Issuance of a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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By: Van Dyke, Gardner, Linn  
& Burkhardt, LLP

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